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INVESTIGATIVE NARRATIVE

SYNOPSIS

This investigation focuses on allegations of misconduct involving Deputy Arnulfo Esquivel, who at the time of the incidents, was on duty and assigned to patrol duty at the East Los Angeles Sheriffs Station.

The first allegation is based on a complaint that stems from a traffic stop which occurred on January 27, 2002, at approximately 12:30 a.m. The two female complainants alleged that during that traffic stop, Deputy Esquivel made inappropriate remarks and requested that they expose themselves to him. He threatened the complainant driver with arrest and having her car towed.

The second allegation originates from a pedestrian stop that occurred on July 18, 2002, at 4:30 a.m. [redacted] was walking to her job at the [redacted] store. As she walked down the street, Deputy Esquivel pulled up alongside her and asked her where she was going. It is alleged that Deputy Esquivel made inappropriate comments, conducted an improper search of the complainant and shined his flashlight down her pants. It is alleged that he asked her for proof of her legal residency, which she was unable to provide. Deputy Esquivel told her he would have her deported if he contacted her again and she did not have proof of residency.

The third allegation also involved a pedestrian stop, sometime around 2:00 a.m. Complainant [redacted] told investigators that, one day in October of 2002, a Sheriff's deputy called her over to his car as she walked to the store to get cigarettes. She said the deputy asked her if she was on parole and she said she was. He told her that he knew she was "under the influence" and that she should cooperate so that he would not violate her parole. The complainant alleged that the deputy told her to get into his patrol car and pull her pants down. Complainant [redacted] alleged that after she complied, the deputy shined his flashlight on her crotch and digitally penetrated her. The informant alleged that the deputy requested that she have sex with him.

Additionally, it is believed that on July 27, 2002, at approximately 4:20 a.m., Deputy Esquivel pulled alongside of the car that [redacted] was driving, and asked her questions regarding her driver's license and where she was coming from. He then followed her to her residence and engaged her in personal conversation for the next 20 minutes. While there were no allegations of criminal behavior in this instance, Esquivel's alleged conduct had striking similarities to that of his earlier contacts.

A criminal investigation was conducted by members of the Los Angeles County Sheriff's Department Internal Criminal Investigation Bureau and presented to the Justice System Integrity Division of the Los Angeles County District Attorney's Office. On January 22, 2004, Deputy District Attorney Margo Baxter completed her investigation and found that there was insufficient evidence to initiate criminal proceeding against Deputy Arnulfo Esquivel.

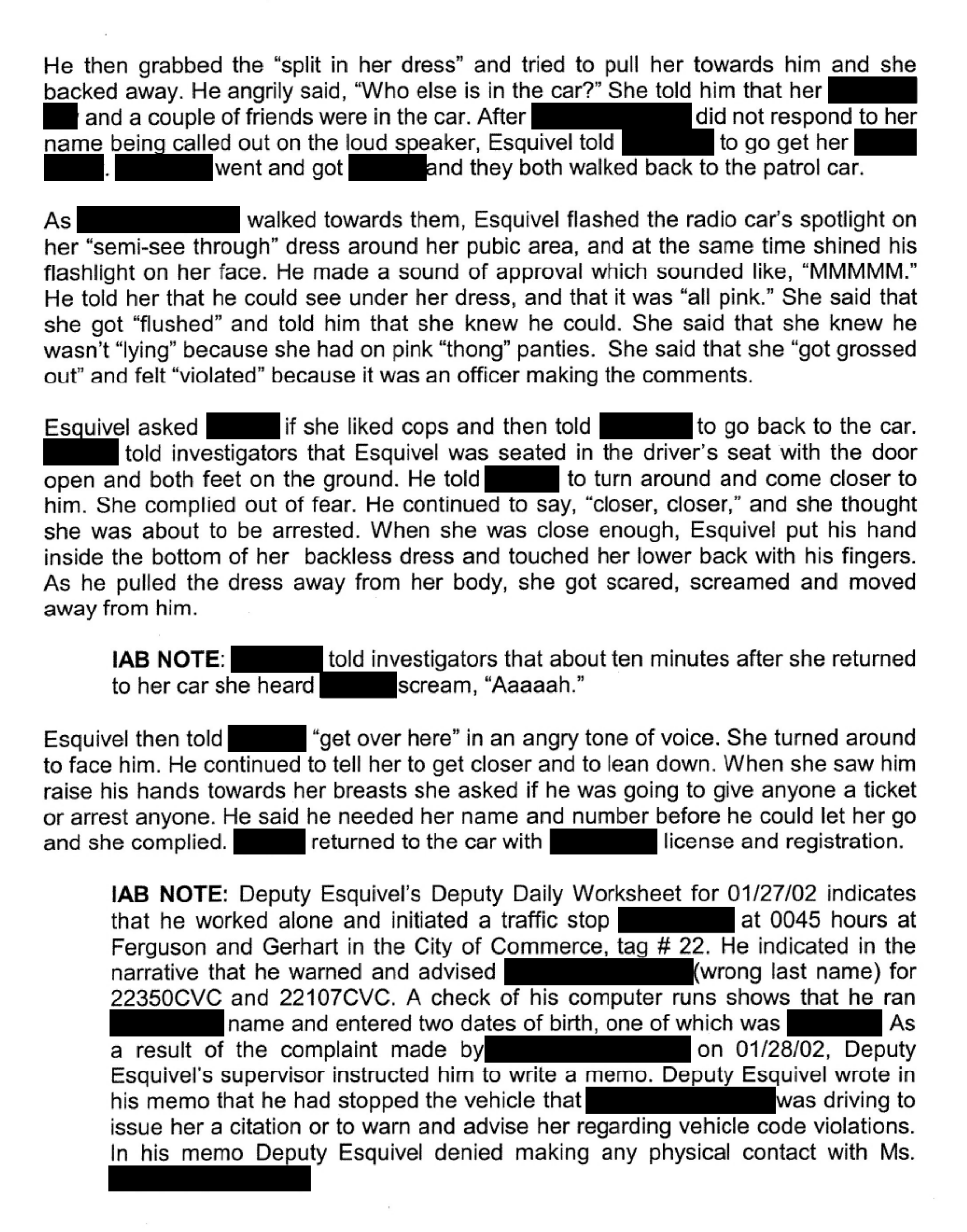
> **IAB NOTE:** In the "Legal Analysis," of the reject letter, Deputy District Attorney Baxter wrote in part:
>
> *Looking at the July 2002 and January 2002 incidents together it appears that Deputy Esquivel had a method of operations in conducting stops on some females. Ms.* [redacted] *and* [redacted] *and* [redacted] *do not know each other. On both occasions, Deputy Esquivel asks whether the woman are wearing "thong" or "g-string" underpants. In addition, he pulls clothing away from their bodies in an attempt to see their underpants. Deputy Esquivels's conduct is troubling and highly inappropriate.* (Refer to **Exhibit F**)

FACTUAL ANALYSIS

The following analysis is a summation of the information contained in the supplementary reports prepared by investigators from the Internal Criminal Investigation Bureau, under file number 102-00067-2003-144. Following each incident, is Deputy Esquivel's response to that specific allegation. His interviews were recorded and transcribed as verbatim documents.

Incident, January 27, 2002, at approximately 12:30 a.m., [redacted] and three other friends were driving to a dance club. [redacted] was driving. Esquivel pulled her over by activating the rotating lights of his marked patrol car. He walked up to the driver's door and asked [redacted] for her license, insurance and registration, which she provided. He brought those items back to his patrol car. After a few minutes he called her back to his car where he was seated in the driver's seat with his door open. Esquivel asked her if she knew her license was suspended and she said she did not. He asked her if she was married and where they were going. He again told her that her license was suspended and that he could take her to jail and take her car.

Esquivel then told her she looked "fine." She said, "Thank you." He asked her to show him what was under her dress. She replied, "What?" and he said, "Yeah, let me see what you've got underneath or I can take you in right now and we'll impound everything." Esquivel continued to ask to see her underwear. She said he began to get aggressive and said "Are you going to show me or not?" She said, "No."



He then grabbed the “split in her dress” and tried to pull her towards him and she backed away. He angrily said, “Who else is in the car?” She told him that her [redacted] and a couple of friends were in the car. After [redacted] did not respond to her name being called out on the loud speaker, Esquivel told [redacted] to go get her [redacted]. [redacted] went and got [redacted] and they both walked back to the patrol car.

As [redacted] walked towards them, Esquivel flashed the radio car’s spotlight on her “semi-see through” dress around her pubic area, and at the same time shined his flashlight on her face. He made a sound of approval which sounded like, “MMMMM.” He told her that he could see under her dress, and that it was “all pink.” She said that she got “flushed” and told him that she knew he could. She said that she knew he wasn’t “lying” because she had on pink “thong” panties. She said that she “got grossed out” and felt “violated” because it was an officer making the comments.

Esquivel asked [redacted] if she liked cops and then told [redacted] to go back to the car. [redacted] told investigators that Esquivel was seated in the driver’s seat with the door open and both feet on the ground. He told [redacted] to turn around and come closer to him. She complied out of fear. He continued to say, “closer, closer,” and she thought she was about to be arrested. When she was close enough, Esquivel put his hand inside the bottom of her backless dress and touched her lower back with his fingers. As he pulled the dress away from her body, she got scared, screamed and moved away from him.

> **IAB NOTE**: [redacted] told investigators that about ten minutes after she returned to her car she heard [redacted] scream, “Aaaaah.”

Esquivel then told [redacted] “get over here” in an angry tone of voice. She turned around to face him. He continued to tell her to get closer and to lean down. When she saw him raise his hands towards her breasts she asked if he was going to give anyone a ticket or arrest anyone. He said he needed her name and number before he could let her go and she complied. [redacted] returned to the car with [redacted] license and registration.

> **IAB NOTE:** Deputy Esquivel’s Deputy Daily Worksheet for 01/27/02 indicates that he worked alone and initiated a traffic stop [redacted] at 0045 hours at Ferguson and Gerhart in the City of Commerce, tag # 22. He indicated in the narrative that he warned and advised [redacted] (wrong last name) for 22350CVC and 22107CVC. A check of his computer runs shows that he ran [redacted] name and entered two dates of birth, one of which was [redacted] As a result of the complaint made by [redacted] on 01/28/02, Deputy Esquivel’s supervisor instructed him to write a memo. Deputy Esquivel wrote in his memo that he had stopped the vehicle that [redacted] was driving to issue her a citation or to warn and advise her regarding vehicle code violations. In his memo Deputy Esquivel denied making any physical contact with Ms. [redacted]

His memo did not mention any interaction with the passenger [redacted]. During his interview, Deputy Esquivel denied any wrongdoing. He believed they where mad, because he did not allow them to drive to the party. Esquivel was later identified after his picture was picked out of a mug show-up folder by [redacted] On 10-17-02, [redacted] was shown a mug show-up folder, containing a photograph of Deputy Esquivel. [redacted] was not able to positively identify [redacted] from the mug show-up folder.

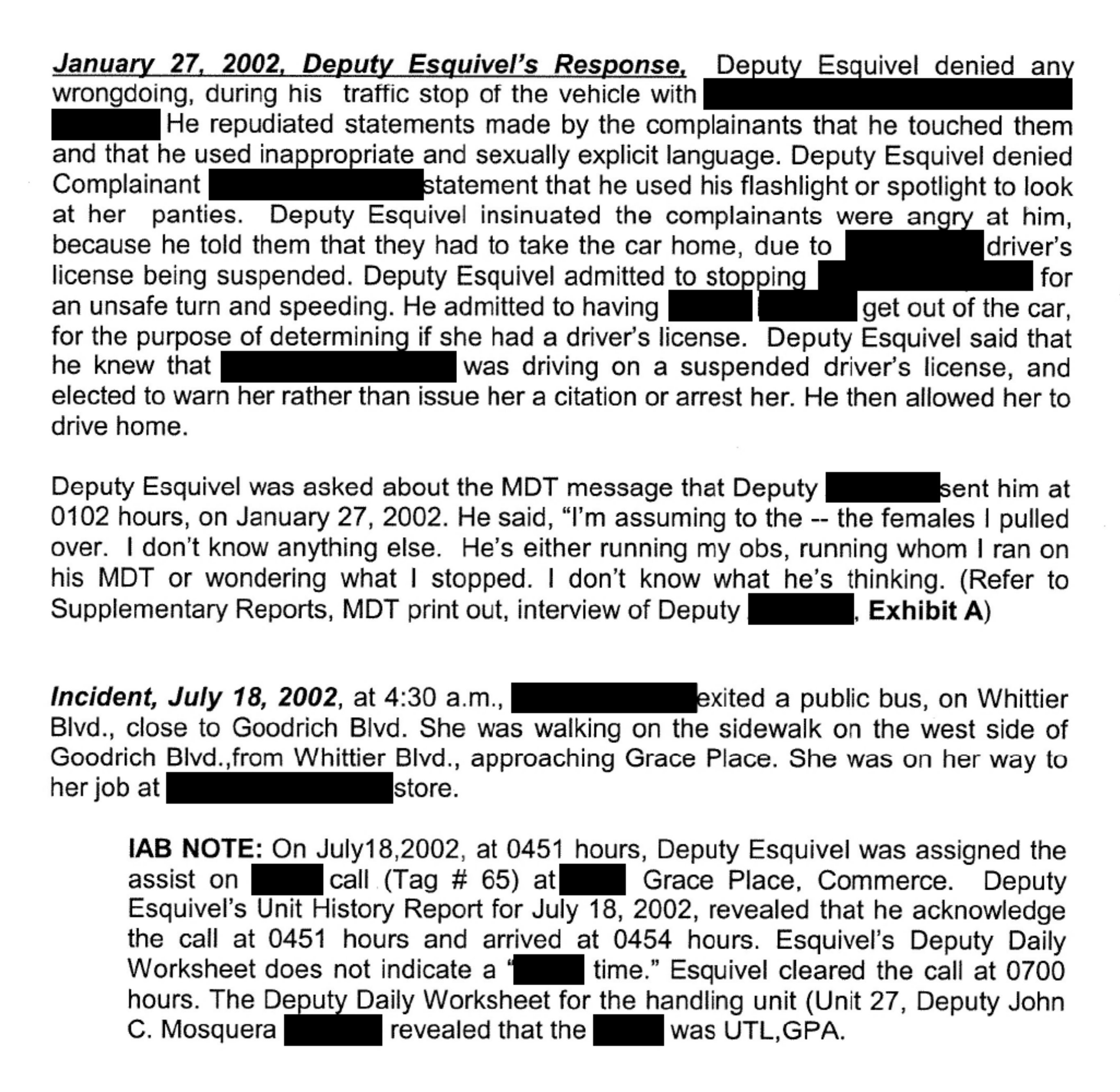
On November 15, 2002, I.C.I.B. investigators interviewed [redacted] who was a passenger in the vehicle when it was stopped by Deputy [redacted] Witness [redacted] said that at the time of the stop, she was the middle passenger in the back seat. The window was partially down and she was able to hear some of the conversation between the deputy, [redacted]. She said the deputy called [redacted] back to his car, after he obtained her identification. She heard the deputy ask [redacted] to show her something or he would impound her car and take her to jail for her warrant.

> **IAB NOTE**: Deputy Esquivel made an inquiry [redacted] for California driver license number [redacted] which returned to [redacted] Ms. [redacted] had a return for two misdemeanor warrants, 8537 PC and 53001 municipal code. The bail set on the warrant was for $352.00

She heard the deputy say, "can I see a little of you?" [redacted] returned to the car a few minutes later, telling the passengers, "Fuck that, I would rather have him take me in, than have him touch me."

When [redacted] returned to the car, she told everyone that the deputy was pervert, that she had been "disrespected" by the deputy and that she was going to file a complaint against him. Witness [redacted] was unable to make a positive identification of Deputy Esquivel after viewing a six-pack photo show-up folder. At approximately 1:02 a.m.,Deputy [redacted] sent a message to Esquivel over the MDT that said, "How they look." Deputy [redacted] was interviewed on January 23,2003, at approximately 1440 hours, by I.C.I.B. investigators in regard to that message. Deputy [redacted] told investigators that he didn't know why he typed the message.

> **IAB NOTE:** Unit Details and the Deputy Daily Worksheet for [redacted] and Esquivel reflect that Esquivel had the handle and [redacted] had the assist on a [redacted] call, tag 16, which was initiated at 0038 hours for Esquivel. Logs reflect that Esquivel acknowledged the call at 0039 hours and went en route at 0051 hours, arrived at 0055, and finished at 0104 hours. Esquivel ran an inquiry for [redacted] at 0040 hours, according to his Unit history log. Both Deputy [redacted] and Esquivel's logs reflect no calls for service, but self initiated activity (patrol checks of their respective area) for approximately 45 minutes prior to tag 16. Deputy Esquivel did not log the [redacted] traffic stop/contact on his MDT/Deputy Daily Worksheet)



(Refer to **Exhibit A** for Supplemental Reports, documenting additional interviews of passengers that were in the car, print out of Esquivel's car log and MDT messages, memorandum by Deputy Esquviel to Lt. Ashley regarding the vehicle stop, and the I.C.I.B. interview of Deputy [redacted] concerning the MDT message that he sent to Deputy Esquivel)

<u>January 27, 2002, Deputy Esquivel's Response.</u> Deputy Esquivel denied any wrongdoing, during his traffic stop of the vehicle with [redacted] He repudiated statements made by the complainants that he touched them and that he used inappropriate and sexually explicit language. Deputy Esquivel denied Complainant [redacted] statement that he used his flashlight or spotlight to look at her panties. Deputy Esquivel insinuated the complainants were angry at him, because he told them that they had to take the car home, due to [redacted] driver's license being suspended. Deputy Esquivel admitted to stopping [redacted] for an unsafe turn and speeding. He admitted to having [redacted] [redacted] get out of the car, for the purpose of determining if she had a driver's license. Deputy Esquivel said that he knew that [redacted] was driving on a suspended driver's license, and elected to warn her rather than issue her a citation or arrest her. He then allowed her to drive home.

Deputy Esquivel was asked about the MDT message that Deputy [redacted] sent him at 0102 hours, on January 27, 2002. He said, "I'm assuming to the -- the females I pulled over. I don't know anything else. He's either running my obs, running whom I ran on his MDT or wondering what I stopped. I don't know what he's thinking. (Refer to Supplementary Reports, MDT print out, interview of Deputy [redacted], **Exhibit A**)

Incident, July 18, 2002, at 4:30 a.m., [redacted] exited a public bus, on Whittier Blvd., close to Goodrich Blvd. She was walking on the sidewalk on the west side of Goodrich Blvd.,from Whittier Blvd., approaching Grace Place. She was on her way to her job at [redacted] store.

> **IAB NOTE:** On July18,2002, at 0451 hours, Deputy Esquivel was assigned the assist on [redacted] call (Tag # 65) at [redacted] Grace Place, Commerce. Deputy Esquivel's Unit History Report for July 18, 2002, revealed that he acknowledge the call at 0451 hours and arrived at 0454 hours. Esquivel's Deputy Daily Worksheet does not indicate a "[redacted] time." Esquivel cleared the call at 0700 hours. The Deputy Daily Worksheet for the handling unit (Unit 27, Deputy John C. Mosquera [redacted] revealed that the [redacted] was UTL,GPA.

> Deputy Mosquera did not indicate a [redacted] time on his worksheet, however he cleared the call at 0538 hours. (Refer **Exhibit B**, see Deputy Daily Worksheets and Unit History Reports for additional information)

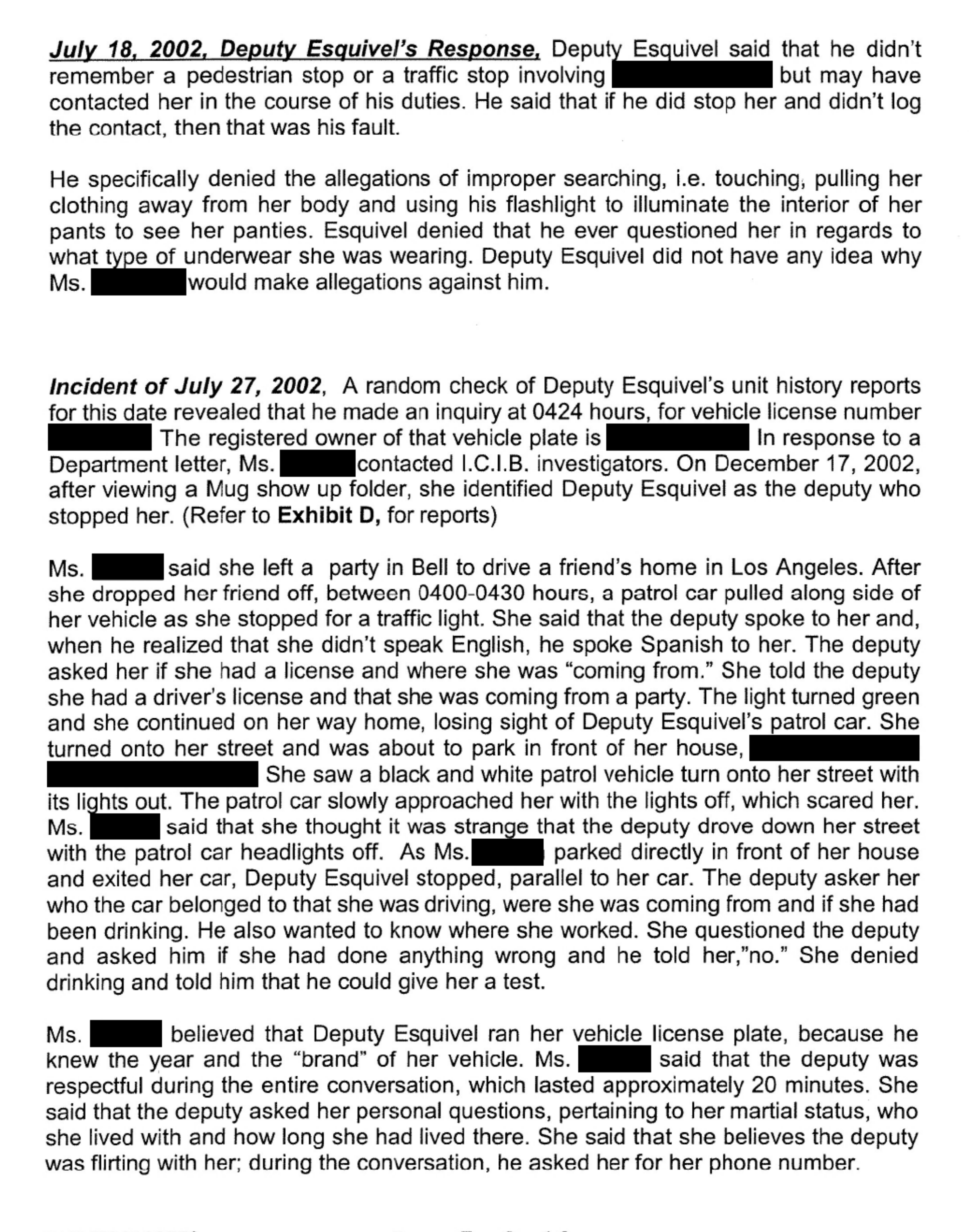
As she walked down the street, Deputy Esquivel pulled up alongside her and asked her where she was going. She kept walking until Esquivel stopped his car and told her to come to his patrol car. Esquivel got out of his car and asked her if she had any drugs. She said she did not and then he told her to empty her purse, which she did. He then physically turned her away from him and put his hand into her back pocket, feeling her buttock with the palm of his hand. Ms. [redacted] was wearing tight white stretch pants and had nothing in her pockets. Esquivel put his thumb inside the front of her pants and pulled them away from her body. He shined his flashlight down her pants and made a comment about a surgical scar located on the right side of her stomach slightly below the navel.

He asked her if she had any "offspring." She said she did not and that the scar was from when her appendix was removed. Esquivel told her that he was looking for a wife, and asked her if she was married. He then questioned her as to why she wasn't married and asked her where she liked to go dancing. Esquivel asked her for proof of her legal residency, which she was unable to provide. Esquivel told her that he would deport her if he contacted her again and she did not have proof of residency. Ms. [redacted] gave the deputy her name and her sister's address on [redacted] in [redacted] at the time of the detention.

She left and continued walking to her work. Deputy Esquivel drove the car and approached her again. He asked her if she wore "thong" underwear. She asked him why he would ask such a question. He smiled and said it was because she looked "very delicious."

> **IAB NOTE:** Ms. [redacted] viewed a sheet containing photographs of six deputies in uniform. She identified Deputy Esquivel as the deputy who stopped and searched her. Deputy Esquivel's Deputy Daily Worksheet for July 18, 2002, revealed that he was working patrol, Unit 28 from [redacted] hours. Esquivel's worksheet did not reflect a stop or contact involving Ms. [redacted]

As a result of being detained, Ms. [redacted] was late for work. Her supervisor [redacted] said that when she arrived, she was teary eyed and red faced and told him that the police had stopped her and accused her of being a prostitute. (Refer to Supplemental Report **Exhibit B**)


July 18, 2002, Deputy Esquivel's Response, Deputy Esquivel said that he didn't remember a pedestrian stop or a traffic stop involving [redacted] but may have contacted her in the course of his duties. He said that if he did stop her and didn't log the contact, then that was his fault.

He specifically denied the allegations of improper searching, i.e. touching, pulling her clothing away from her body and using his flashlight to illuminate the interior of her pants to see her panties. Esquivel denied that he ever questioned her in regards to what type of underwear she was wearing. Deputy Esquivel did not have any idea why Ms. [redacted] would make allegations against him.

Incident of July 27, 2002, A random check of Deputy Esquivel's unit history reports for this date revealed that he made an inquiry at 0424 hours, for vehicle license number [redacted] The registered owner of that vehicle plate is [redacted] In response to a Department letter, Ms. [redacted] contacted I.C.I.B. investigators. On December 17, 2002, after viewing a Mug show up folder, she identified Deputy Esquivel as the deputy who stopped her. (Refer to **Exhibit D,** for reports)

Ms. [redacted] said she left a party in Bell to drive a friend's home in Los Angeles. After she dropped her friend off, between 0400-0430 hours, a patrol car pulled along side of her vehicle as she stopped for a traffic light. She said that the deputy spoke to her and, when he realized that she didn't speak English, he spoke Spanish to her. The deputy asked her if she had a license and where she was "coming from." She told the deputy she had a driver's license and that she was coming from a party. The light turned green and she continued on her way home, losing sight of Deputy Esquivel's patrol car. She turned onto her street and was about to park in front of her house, [redacted] She saw a black and white patrol vehicle turn onto her street with its lights out. The patrol car slowly approached her with the lights off, which scared her. Ms. [redacted] said that she thought it was strange that the deputy drove down her street with the patrol car headlights off. As Ms. [redacted] parked directly in front of her house and exited her car, Deputy Esquivel stopped, parallel to her car. The deputy asker her who the car belonged to that she was driving, were she was coming from and if she had been drinking. He also wanted to know where she worked. She questioned the deputy and asked him if she had done anything wrong and he told her,"no." She denied drinking and told him that he could give her a test.

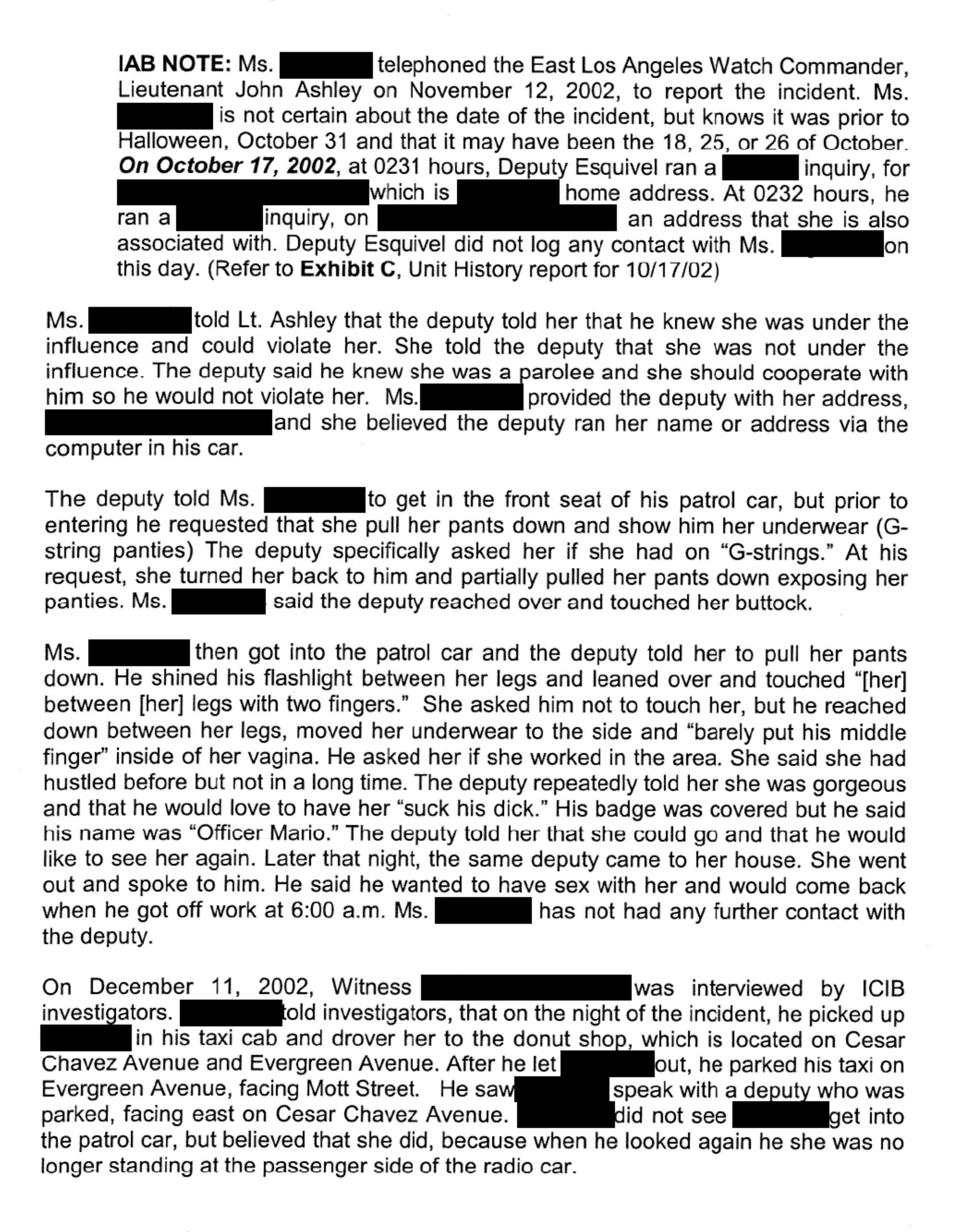
Ms. [redacted] believed that Deputy Esquivel ran her vehicle license plate, because he knew the year and the "brand" of her vehicle. Ms. [redacted] said that the deputy was respectful during the entire conversation, which lasted approximately 20 minutes. She said that the deputy asked her personal questions, pertaining to her martial status, who she lived with and how long she had lived there. She said that she believes the deputy was flirting with her; during the conversation, he asked her for her phone number.

She asked Deputy Esquivel what he was doing in the area if his patrol car was from "Commerce" and he told her that he had a call in the area.

> **IAB NOTE**: In reference to having a call in the area, Deputy Esquivel's Unit History Report and Daily Worksheet dated July 27, 2002, (attached with this exhibit), reflects that he was assigned a call at 0401 hours for a [redacted] (Burglary-audible alarm) at [redacted] E. Randolph Street, Commerce. Deputy Esquivel acknowledged the burglary call at 0405 and at 0406 hours he ran an inquiry for [redacted]" for [redacted]. The burglary call on Randolph was canceled and Deputy Esquivel ended the call at 0503 hours. Based on Deputy Esquivel's worksheet and logs, it is unknown what time the call was cancelled, and he didn't show himself en route or [redacted]
>
> Deputy Esquivel made another inquiry at 0424 hours for vehicle license [redacted] which returned to [redacted] **Then at 0428 hours, Deputy Esquivel ran the inquiry on Ms. [redacted] vehicle license plate. Deputy Esquivel's logs did not reflect his contact with Ms. [redacted]**. In summary, for 35 minutes, from 0428 hours, when he ran Ms. [redacted] vehicle, until 0503 hours when he ended the burglary alarm call, Deputy Esquivel's logs dd not reflect that he had any calls for service, inquiries or activity.
>
> The distance between the [redacted] call at [redacted] E. Randolph Street, Commerce and the address of Ms. [redacted] per "Mapquest," is 3.75 miles. There appears to be no official reason for Deputy Esquivel to have traveled so far out of the station area.

July 27, 2002, Deputy Esquivel's Response, Deputy Esquivel said he didn't recall making a traffic stop or contacting Ms. [redacted]. When told that he ran the license plate of the vehicle that she was driving, at 0424 hours, on July 27, 2002, he said that he may have run the license plate, just doesn't recall having contacted her. Statements made by Ms. [redacted] were read to Deputy Esquivel in the hope of refreshing his memory of the alleged stop. Esquivel said that he is unable to recall, but may have spoken to her. He said that if he did speak to her, he didn't ask her any personal questions. He denied asking about her martial status, number of children or whom she lived with. Deputy Esquivel also said that if he had spent 20 minutes with Ms. [redacted] then he should have logged the stop.

Incident, October of 2002, Ms. [redacted] told investigators that one day in October, at approximately 0200 hours, she was walking, when a deputy sheriff summoned her to his car. She said that the deputy was in a marked police vehicle that was parked facing south on Evergreen Avenue.



IAB NOTE: Ms. [redacted] telephoned the East Los Angeles Watch Commander, Lieutenant John Ashley on November 12, 2002, to report the incident. Ms. [redacted] is not certain about the date of the incident, but knows it was prior to Halloween, October 31 and that it may have been the 18, 25, or 26 of October. ***On October 17, 2002***, at 0231 hours, Deputy Esquivel ran a [redacted] inquiry, for [redacted] which is [redacted] home address. At 0232 hours, he ran a [redacted] inquiry, on [redacted] an address that she is also associated with. Deputy Esquivel did not log any contact with Ms. [redacted] on this day. (Refer to **Exhibit C**, Unit History report for 10/17/02)

Ms. [redacted] told Lt. Ashley that the deputy told her that he knew she was under the influence and could violate her. She told the deputy that she was not under the influence. The deputy said he knew she was a parolee and she should cooperate with him so he would not violate her. Ms. [redacted] provided the deputy with her address, [redacted] and she believed the deputy ran her name or address via the computer in his car.

The deputy told Ms. [redacted] to get in the front seat of his patrol car, but prior to entering he requested that she pull her pants down and show him her underwear (G-string panties) The deputy specifically asked her if she had on "G-strings." At his request, she turned her back to him and partially pulled her pants down exposing her panties. Ms. [redacted] said the deputy reached over and touched her buttock.

Ms. [redacted] then got into the patrol car and the deputy told her to pull her pants down. He shined his flashlight between her legs and leaned over and touched "[her] between [her] legs with two fingers." She asked him not to touch her, but he reached down between her legs, moved her underwear to the side and "barely put his middle finger" inside of her vagina. He asked her if she worked in the area. She said she had hustled before but not in a long time. The deputy repeatedly told her she was gorgeous and that he would love to have her "suck his dick." His badge was covered but he said his name was "Officer Mario." The deputy told her that she could go and that he would like to see her again. Later that night, the same deputy came to her house. She went out and spoke to him. He said he wanted to have sex with her and would come back when he got off work at 6:00 a.m. Ms. [redacted] has not had any further contact with the deputy.

On December 11, 2002, Witness [redacted] was interviewed by ICIB investigators. [redacted] told investigators, that on the night of the incident, he picked up [redacted] in his taxi cab and drover her to the donut shop, which is located on Cesar Chavez Avenue and Evergreen Avenue. After he let [redacted] out, he parked his taxi on Evergreen Avenue, facing Mott Street. He saw [redacted] speak with a deputy who was parked, facing east on Cesar Chavez Avenue. [redacted] did not see [redacted] get into the patrol car, but believed that she did, because when he looked again he she was no longer standing at the passenger side of the radio car.

He drove [redacted] home and went inside the house with her. Shortly thereafter [redacted] heard a car pull up and said, "Oh, my God that's him. He's parked in front of the house." The witness decided that he better leave as he was on probation and didn't want any trouble. The witness was unable to provide investigators with an exact date of the occurrence.

IAB NOTE: The donut shop ([redacted], [redacted] Cesar Chavez Ave, Los Angeles) is located in a small shopping mall on the south side of Cesar Chavez Avenue and East of Evergreen Avenue, in the City of Los Angeles. [redacted] claimed that [redacted] is his friend and that he was taking her to purchase cigarettes.

Ms. [redacted] was shown a folder containing six photographs, one of which was a photograph of Deputy Esquivel. Ms. [redacted] did not identify Esquivel in the photographic lineup. She insisted that the deputy was Caucasian with blonde hair and blue eyes. Deputy Esquivel is Hispanic with black hair and brown eyes.

[redacted]

__October of 2002, Deputy Esquivel's Response,__ Early in the interview Deputy Esquivel was shown a picture of [redacted] and asked if she looked familiar to him. He replied "Oh, God. No. Uh-uh." He was then asked if his answer was a "yes" or a "no." He replied, "She doesn't look familiar to me, no."

After clarifying the date of the allegation and the location for Subject Esquivel's representative, Deputy Esquivel was asked the following question: "Can you say with any certainty that she has never been in your radio car, in the front seat." He responded, "No. No. Not with any certainty." (Refer to May 6, 2004, interview, beginning on page 21)

As the interview progressed, Deputy Esquivel was again asked about Complainant [redacted]. He was told, that based on electronic logs and MDT's, we were able to narrow the date down. Esquivel was told that the complainant was on parole and she said the deputy told her to get in the front seat of his car.

Esquivel said he did frequent the area of Evergreen and Cesar Chavez when he was out and there's a lot of informants that he has been working with there. He said he didn't recall the specifics about the night, but he does remember talking to someone. He said no one was in the front seat of his car. He was then asked, "If she was an informant, would you allow her in the front seat of the car?" Esquivel replied, "If she was an informant, yeah. If she's an informant, at times I do." (Refer to interview, 05-06-04, page 41, beginning with line #1 ending with, line # 42)

Deputy Esquivel was asked if he would record his mileage if he transported a female. He replied, "Yes, if I don't forget." He then admitted that at times he had transported a female, and was halfway there before he remembered he needed to log his mileage. (Refer to interview, 05-06-04, page 19, beginning with line # 40 and ending with page 21 line # 14)

Deputy Esquivel looked at the photograph of [redacted] and said he didn't recognize her. He said he had been out of the field for over a year. He was provided with additional details of the allegation made by [redacted] He then admitted that he knew [redacted] The following is verbatim from his first interview. (Page 43, beginning with line #18)

> **HARRIS:** Do you recall, and I know it's going back awhile, but do you recall an incident where you had somebody in the front seat, and the maybe an hour later you showed up at their house?
>
> **ESQUIVEL:** I remember now, yea. I did talk to her that night. And she, yea, I know who that is now. I don't have a good grip on who she is. I've been trying to work her an informant and talking to me, you know, where, her boyfriends's being a dope problem. I think her boyfriend is a parolee on our side of the L.A.P.D., or the Evergreen, or Indiana. But now, now it's coming to me. I remember now. I remember. I did talk to her. She's not someone that I'm not gonna say I didn't talk to her. I did talk to her, And all the, everything that she's saying, never happened.
>
> **HARRIS:** You gotta help me out here a little bit. "She's your informant, right?"
>
> **ESQUIVEL:** Yes.
>
> **HARRIS:** Is she a reliable informant?
>
> **ESQUIVEL:** I was just starting. She's not mine. She talks to ...there's a Detective [redacted] that she's been working with also. But she's not, as far as my informant, I wouldn't say she's my informant. She's...I'm working her to see if I can get some sort of info from her.

Deputy Esquivel admitted that he contacted [redacted] in the area of Cesar Chavez and Evergreen and that the contact was based on her acting in the capacity of an informant. He did not recall who initiated the conversation about her working as an informant and said that he was just getting started. During his interview, he referred to [redacted] and said, "She's not mine. She talks to...there's a Detective [redacted] that she's been working with also." (Refer to Deputy Esquivel's first interview, page 43, beginning line # 22, thru page 45, line # 42)

Deputy Esquivel said that approximately one hour after contacting [redacted] in the area of Cesar Chavez and Evergreen, he drove his marked patrol vehicle down her street, "just to see what she was about." He said that he wanted to talk to her, see if she was selling from the house, and who was there. He drove down the street with his lights turned off and [redacted] "burned" him when she saw the radio car. He said [redacted] came out of the house, walked down the street and approached him. [redacted] wanted to know what he was doing and told him that he couldn't be coming by the house. He said he talked to her for a few minutes and then left. Deputy Esquivel denied all of [redacted] allegations pertaining to sexual misconduct or that she was in his patrol car. He denied having any physical contact or propositioning her. (Refer to Supplementary Reports, **Exhibit C)**

> **IAB NOTE**: [redacted] Deputy Esquivel said he did not log the first contact (which lasted between 10 and 15 minutes) with [redacted] at Evergreen and Cesar Chavez, nor did he log the second time, when he contacted her, after he drove to her house on [redacted] The [redacted] contact is alleged to have taken place approximately one hour after his first contact.
>
> Deputy Esquivel said he has attended several briefings on Field Operations Directive 0000-04 and is familiar with it contents.

On June 7, 2004, Deputy Arnulfo Esquivel was interviewed for a second time, in an attempt to clarify some of his earlier statements. Esquivel said that prior to being removed from the field, he had three, maybe four informants. When asked their names, he said he couldn't recall. He was asked if he had his informants logged some place and he said, "Yes, in my brain." Deputy Esquivel was asked if these people (informants) had given him information. He said, "No, I can't say I got it yet. I was just getting started, like I said, I was beginning to get some warmed up on the north end." He was unable to recall if he ever ran, any of his informants names for history. He admitted that he ran [redacted] name for criminal history. He said that he had relayed narcotic information to Detectives [redacted] and maybe [redacted].

IAB NOTE: Detective [redacted] was not assigned to E.L.A. until the first week of [redacted]. Deputy Esquivel said that he was removed from the field on [redacted].

When questioned further about [redacted] Deputy Esquivel was no longer certain about whether the meeting on Evergreen and Caesar Chavez was the first meeting with her or if they had met before. Esquivel said he may have been mistaken. He could have been confusing two people, for one and he might have also been confused when he volunteered that [redacted] boyfriend was a parolee on the other side of Evergreen or Indiana, in LAPD'S area. (Refer to 06-07-04 interview, page 10, beginning with line # 8)

I told Deputy Esquivel that I had interviewed Deputy [redacted] in regards to his earlier statement, that Complainant [redacted] was his [redacted] informant.

IAB NOTE: Refer to May 6, 2004, interview, page 43, line 36. "I was just starting. She's not mine. She talks to ...there's a Detective [redacted] that she's been working with also.

I told Esquivel that Deputy [redacted] told me, that he didn't know [redacted] Esquivel said it was after talking to [redacted] that he "construed" from their conversation that she was working for [redacted] She led him to believe that she was [redacted] informant.

IAB NOTE: On June 17, 2004, at approximately 1730 hours, Complainant [redacted] returned my phone call, after I left a message with her mother, asking her to call me. The conversation was brief, as [redacted] was calling from a pay phone. Due to the call coming after normal business hours, I was not prepared to tape record it. [redacted] said that she could not talk long, but did agree to answer a couple of real quick questions:

- Did the deputy that she described in her complaint ever ask her to be an informant? She replied "no.

- Did she ever tell the deputy, that she wanted to work for him, as an informant? Again she replied, "No."

- Was she under the influence of alcohol and or drugs, at the time she had contact with the deputy? She said that she was not. The complainant said that she had to go, but agreed to meet with me if she was needed.

Interview of [redacted]
East Los Angeles Sheriff Station [redacted]
Deputy [redacted] was interviewed on 05-20-04, at approximately 1130 hours, regarding his knowledge of Complainant [redacted] The following is a summary of the tape recorded interview.

Deputy [redacted] was shown two photographs depicting [redacted] one in color and the identical photograph in black and white. Deputy [redacted] said that he doesn't know who she is and he doesn't recall ever speaking to her. He said [redacted] is not now or ever has been his informant. He doesn't know why Esquivel would believe that she was his informant and that he doesn't divulge the names of his informants to patrol personnel. Deputy [redacted] said he didn't know Deputy Esquivel.

Interview of Deputy [redacted] East Los Angeles Sheriff Station.
Deputy [redacted] was interviewed on 06-29-04, at approximately 0800, regarding his knowledge of Complainant [redacted]. The following is a summary of the tape recorded interview.

Deputy [redacted] said that sometime during the first week of [redacted], he was assigned as an [redacted] to East Los Angeles Sheriff Station. Prior to the interview [redacted] was provided with [redacted] information and asked to determine if she was an informant for any of narcotic investigators that are assigned to the East Los Angeles Sheriff Station. Additionally, on the day of his interview, he was provided with a color photograph of [redacted].

[redacted] said he met [redacted] on two different occasions, with both of the encounters taking place after the first of the year (Jan 2004). He first met [redacted] at East Los Angeles Station. She came to the office, accompanied by Deputy [redacted] brought her to the office to see if she could "qualify" as an informant. [redacted] said that [redacted] was introduced by her a.k.a. as [redacted]
He also believed that she may have been under the influence of drugs and or alcohol.

The second time that he encountered her, he was conducting an investigation into an allegation of narcotic activity. He said that the investigation focused on three houses situated on a common lot. They did a door knock at the front house and [redacted] answered the door.

After checking a database, [redacted] said that to the best of his knowledge, [redacted] is not and has never been an informant for the [redacted]. [redacted] said he doesn't not know who [redacted] is.

[redacted] said all of the [redacted] receive narcotic related information from the deputies, all of the time. He said information is passed on by phone calls, pagers, e-mail, memos or notes and sometimes just from passing one another in the station. He said the [redacted] don't normally keep track of when a deputy tells them that the person that they arrested wants to work a deal.

[redacted]

On 02-07-03, at 0006 hours, Deputy Esquivel ran an inquiry on California motorcycle license plate [redacted] That license plate inquiry returned to Deputy [redacted]. [redacted] assigned to East Los Angeles Sheriff Station. Deputy [redacted] was also assigned to the early morning shift. Deputy [redacted] told ICIB Investigators that he did not give Deputy Esquivel permission to run his plate and didn't know why he ran it.

Esquivel admitted to running the license plate of the motorcycle that belonged to a fellow deputy. (Refer to **Exhibit E**, for additional information)

Esquivel was able to clearly recall that he wrote the plate down on his in-service prior to logging on. He said he wanted to tell the owner to either cover it or move it away from a car that was parked next to it. (Refer to 06-07-04 interview, page 18, beginning with line # 8 and ending on page 20, line # 5)

[redacted]

[redacted]

IAB NOTE: Of the four alleged contacts made by Deputy Esquivel, he failed to log any of them. (Field Operations Directive F.O.D. 000-04) Deputy Esquivel did not deny that he made the contacts, but rather, didn't recall them, the vehicle stop involving [redacted] and his contact with [redacted] being the exceptions. Similarly he kept his informant information in his "head," not logging those contacts. In his second interview, he was uncertain if he had mistaken Complainant [redacted] for two different people, even confusing who her husband was.

Deputy Esquivel said he was aware of the reasons behind logging the contacts and that he was been briefed several times on the Field Operations Directive.

There is no evidence or reason to believe (with the exception of the five people in the [redacted] vehicle) that any of the complainants knew each other, yet there is striking similarities in their statements. Unit History and Deputy Daily Worksheets placed him in the area at the same time of the complaints. Also documented is his use of [redacted] and the return on the license plates he ran.

Deputy's Esquivel's answers revealed that he is a bilingual and speaks Spanish fluently. (Refer to **Exhibit-B,** [redacted]) Also, when asked to give several adjectives that he might use to describe a beautiful woman, Deputy Esquivel's first answer was, "My wife." He was then told to use a word with the same meaning as beautiful. Deputy Esquivel used the word "Gorgeous" (Refer to **Exhibit-C,** [redacted] the deputy repeatedly told her she was gorgeous and that he would love to have her "suck his dick.") Deputy Esquivel answered specific questions regarding his nickname, distance to and from work, parents place of birth and after work habits. Those answers do not correspond to what he is alleged to have told [redacted]



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

October 13, 2004

Deputy Arnulfo Esquivel, #[redacted]

[redacted]

Deputy Esquivel:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective at the close of business on November 3, 2004.

An investigation under File Number IAB 2108778, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/050.05, Performance of Duty, on or about January 27, 2002, while conducting a traffic stop, you threatened to arrest a female driver and impound her vehicle unless she showed you her undergarments. You made the same improper request of her passenger and then illuminated the passenger's pelvic area, commenting that her underwear was pink. You then placed your fingers between the passenger's dress and body, pulling the garment away from her body and looking down her dress. The passenger subsequently screamed and backed away toward the vehicle. You told her she could leave after providing some personal information for your log.

2. That in violation of Manual of Policy and Procedures Section 3-01/030.05, General Behavior; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to*

Field Operations Directive 00-04- Logging Public Contacts), on or about July 18, 2002, while conducting a stop of a female pedestrian, you asked the pedestrian if she had illicit narcotics and then inappropriately searched her by placing your hand into the back pockets of her jeans and inappropriately touching her buttocks. You then turned her around, placed your fingers between her body and the front of her pants, pulled the pants away from her body and illuminated her pelvic area. Before releasing her, you threatened to have her deported due to her illegal residency status.

3. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/050.05, Performance of Duty; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Field Operations Directives 00-04- Logging Public Contacts and/or 00-08 - Use of Informants*), on or about October 17, 2002, while conducting a pedestrian stop of a female parolee, you made inappropriate comments and then sexually battered the female by touching her exposed buttocks and then digitally penetrating her vaginal area. Some time later, you drove to this same female's home and demanded that she get into your radio car. You then questioned her as to who she lived with, telling her you wanted to go inside her house. You made repeated demands of her to have sex with you and if she refused, you would arrest her for narcotics violations which would be a violation of her parole. After she refused, you left her residence, after telling her you would return the following morning.

4. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.05, Performance of Duty; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Field Operations Directive 00-04 - Logging Public Contacts*), on or about July 27, 2002, after engaging a lone female driver in conversation at a traffic light, you followed the female home, out of your patrol area. You subsequently had a personal conversation with the female driver which lasted approximately 20 minutes.

5. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, you made false and/or misleading statements to Internal Affairs Bureau investigators, when you said the female was your informant; and/or that you went to her house for the purpose of establishing an informant relationship; and/or that you did not inappropriately touch the females.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Neal Tyler on November 2, 2004, at 1300 hours, in his office, which is located at Sheriff's Headquarters Building, 4700 Ramona Boulevard, Monterey Park, on the 4th Floor. If you are unable to appear at the scheduled time and wish to schedule some other time prior to November 2, 2004, for your oral response, please call Chief Tyler's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Tyler's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Tyler's office by no later than November 2, 2004.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Eric B. Smith, Captain
Commander, Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

EBS:lh

c: Advocacy Unit
Employee Relations Unit
Chief Neal Tyler, FORI
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2108778)

LOS ANGELES COUNTY DISTRICT ATTORNEY **CHARGE EVALUATION WORKSHEET**	☐ Further investigation requested. ☐ Probation Violation in lieu of filed. ☒ Prosecution declined.	DA CASE NO. 42602648	Page 1 of 6 Date: January 6, 2004
		POLICE CASE NO. (DR OR URN NO.) 102-00067-2003-144	DA OFFICE CODE J.S.I.D. 03-0159R

SUSPECT DATA

NO.	SUSPECT NAME	BKNG NO.	CHARGE	REASON
01	ESQUIVEL, ARNULFO	N.I.C.	PC236	B - Insufficient evidence
			PC242	B - Insufficient evidence
			PC243.5	B - Insufficient evidence

DESCRIPTION
SEE ATTACHED.

STEVE COOLEY District Attorney	COMPLAINT DEPUTY (PRINT) MARGO BAXTER/ap	DEPUTY CODE 166936	COMPLAINT DEPUTY (SIGNATURE) Margo Baxter	REVIEWING DEPUTY [signature]



In submitting this matter for consideration of a complaint, written reports of substantially all available evidence (except as to the oral information, if any, purporting to have been given by me and which is fully and correctly stated above) have been submitted to the above-named Deputy (copies of which are attached hereto) except the following:

The disposition of this matter will be final unless the commanding officer requests reconsideration of the case, stating his reasons on the back of this form.

MAILED 01/22/04

OFFICER - SERGEANT DEBBIE JONES

LASD - I.C.I.B.

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of allegations that Los Angeles County Sheriff's Deputy Arnulfo Esquivel committed false imprisonment by fraud or deceit in violation of Penal Code Section 236, sexual battery in violation of Penal Code Section 243.5 and battery in violation of Penal Code Section 242. For the reasons set forth below we decline to initiate criminal proceedings against Deputy Esquivel.

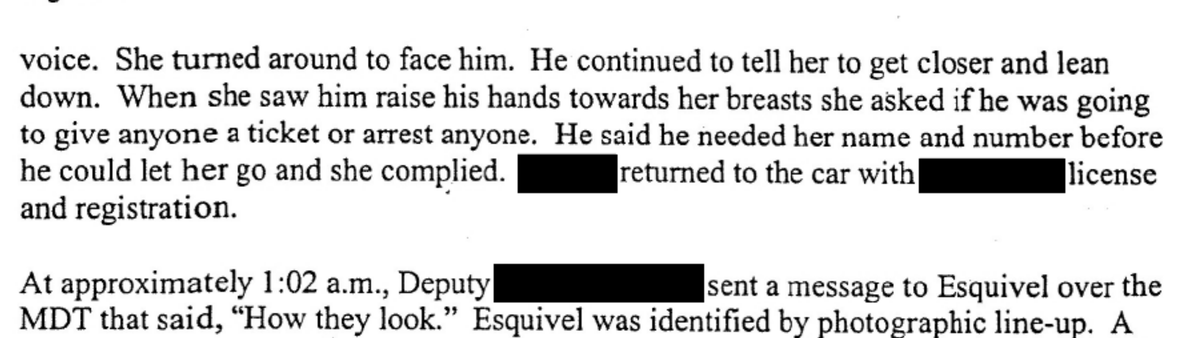
FACTUAL ANALYSIS

The following analysis is based upon reports submitted to our office by investigators from the Los Angeles County Sheriff's Department on February 28, 2003. Compelled statements were not considered as part of this analysis.

Arnulfo Esquivel is a Sheriff's deputy who, at the time of all of the allegations, was assigned to patrol duty at the East Los Angeles Sheriff's station.

On January 27, 2002 at approximately 12:30 a.m., [redacted], [redacted] and three other friends were driving to a dance club. [redacted] was driving. Esquivel pulled her over by activating his rotating lights. He walked up to the driver's door and asked [redacted] for her license, insurance and registration, which she provided. He brought those items back to his patrol car. After a few minutes he called her back to his car where he was seated in the driver's seat with the door open. Esquivel asked her if she knew her license was suspended and she said she did not. He asked her if she was married and where they were going. He again told her that her license was suspended and that he could take her to jail and take her car. Esquivel then told her she looked, "fine." She said thank you. He asked her to show him what was under her dress. She replied, "what?" and he said, "Yeah, let me see what you've got underneath or I can take you in right now and we'll impound everything." Esquivel continued to ask to see her underwear. She said he began to get aggressive and said "Are you going to show me or not?" She said no. He then grabbed the "split in her dress" and tried to pull her towards him. She backed away. He angrily said, "who else is in the car?" She told him that her [redacted] and a couple of friends were in the car. Esquivel told [redacted] to go get her [redacted] after [redacted] did not respond to the loudspeaker. [redacted] went and got [redacted] and they both walked back to the patrol car.

Esquivel shined his flashlight on [redacted] crotch area over her dress and commented that her panties were pink. He asked [redacted] if she liked cops and then told [redacted] to go back to the car. [redacted] told investigators that Esquivel was seated in the driver's seat with the door open and both feet on the ground. He told [redacted] to turn around and come closer to him. She complied out of fear. He continued to say "closer, closer" and she thought she was about to be arrested. When she was close enough, Esquivel put his hand inside the bottom of her dress which was backless and touched her lower back with his fingers as he pulled the dress away from her body. She got scared, yelled "Aaaaah" and moved forward. ([redacted] said that about ten minutes after she returned to her car she heard [redacted] scream "Aaaaah.") Esquivel said, "get over here" in an angry tone of


voice. She turned around to face him. He continued to tell her to get closer and lean down. When she saw him raise his hands towards her breasts she asked if he was going to give anyone a ticket or arrest anyone. He said he needed her name and number before he could let her go and she complied. [redacted] returned to the car with [redacted] license and registration.

At approximately 1:02 a.m., Deputy [redacted] sent a message to Esquivel over the MDT that said, "How they look." Esquivel was identified by photographic line-up. A check of his computer runs shows that he ran [redacted] name and entered two dates of birth, one of which was [redacted]

On July 18, 2002 at 4:30 a.m., [redacted] was walking to her job at Aaron Brothers Art store. As she walked down the street, Deputy Esquivel pulled up alongside her and asked her where she was going. She kept walking until Esquivel stopped his car and told her to come to his patrol car. Esquivel asked her if she had any drugs. She said she did not and then he told her to empty her purse, which she did. He then physically turned her away from him and put his hand into her back pocket feeling her buttock with the palm of his hand. [redacted] was wearing tight white stretch pants and had nothing in her pockets. Esquivel put his thumb inside the front of her pants and pulled them away from her body. He shined his flashlight down her pants and saw a scar she has on her lower abdomen. He asked her if she had any "offspring." She said she did not and that the scar was from when her appendix was removed. Esquivel asked her where she liked to go dancing, asked her if she was wearing "thong" underwear and told her she looked "delicious." He asked for proof of her legal residency, which she was unable to provide. Esquivel told her that he would deport her if he contacted her again and she did not have proof of residency.

Esquivel made no record of this stop in any of his paperwork and has made no statement regarding this incident.

As a result of being detained, [redacted] was late for work. Her supervisor [redacted] said that she arrived teary eyed and red faced and said the police stopped her. [redacted] made a personnel complaint against Deputy Esquivel the same day at the urging of her brother. She identified him in a photographic lineup.

[redacted] told investigators that, one day in October of 2002, before Halloween, a deputy called her over to his car as she walked to the store to get cigarettes. She said the Deputy asked her if she was on parole and she said she was. He told her that he knew she was under the influence and that she should cooperate so that he would not violate her parole. [redacted] said she told the deputy her name and address and she believes he ran her on his computer. He asked if she was wearing "G-string" underwear and then had her turn around and expose her buttocks which he touched. She then got into the car and sat down. The deputy told her to pull her pants down. He shined his flashlight on her crotch. She asked him not to touch her but he reached down between her legs, moved her

underwear to the side and "barely put his middle finger" inside of her vagina. He asked her if she worked in the area. She said she had hustled before but not in a long time. The deputy repeatedly told her she was gorgeous and would love to have her "suck his dick." His badge was covered but he said his name was "Officer Mario." The deputy told her that she could go and that he would like to see her again.

Later that night the same deputy came to her house. She went out and spoke to him. He said he wanted to have sex with her and would come back when he got off work at 6:00 a.m.

Deputy Esquivel's unit detail records were checked for October 17, 2002, and they showed that he ran [redacted] address at 2:31 a.m. in the morning and another inquiry for another address for her a few minutes later. However, [redacted] did not identify Esquivel in a photographic lineup, insisting that the deputy was Caucasion with blonde hair and blue eyes. Deputy Esquivel is Hispanic with black hair and brown eyes.

LEGAL ANALYSIS

Pursuant to Penal Code Section 243.5, any person who touches an intimate part of another while that person is unlawfully restrained and the touching is against the will of the person touched and is for the purpose of sexual arousal is guilty of felony sexual battery. A misdemeanor violation occurs when there is no unlawful restraint. "Intimate part," means the sexual organ, anus, groin or buttocks of any person, or the breast of a female. Unlawful restraint occurs when, without consent, the words, acts or authority of another controls a person's liberty. A restraint is not unlawful if it is accomplished by lawful authority and for a lawful purpose, as long as the restraint continues to be for a lawful purpose.

Pursuant to Penal Code Section 236, any person who intentionally and unlawfully restrains, confines or detains another person who does not consent to that restraint, confinement or detention when accomplished by fraud or deceit is guilty of a felony.

Regarding the January 27th incidents involving [redacted] and [redacted] the statute of limitations for any misdemeanor filing expired on January 27, 2003, approximately one month before the case was presented to our office. The touching of the women does not qualify as a felony sexual battery because Deputy Esquivel did not touch an "intimate part" of the women as required by the statute. Esquivel touched their lower backs with his fingers when he pulled their dresses away from their bodies. The only viable felony would be false imprisonment by fraud or deceit. The problem with this charge is that Deputy Esquivel claims that he stopped [redacted] for speeding and an unsafe turn which is difficult to prove otherwise. Once he contacted [redacted] he discovered her driver's license was suspended. Although the touching was clearly inappropriate, it would be difficult to prove when, if at all, the "imprisonment" became "false" because Esquivel could have chosen to ticket [redacted] and impound her car. The facts tend to support the theory that inappropriate touching occurred during a legal stop.

36E

Deputy Esquivel was asked to respond to these allegations after a complaint was filed. He stated that he did pull over the car and let the driver, [redacted] go even though she was driving on a suspended license. Esquivel denied contacting the passenger of the vehicle, [redacted] or having her get out of the car. However, his MDT records indicate that Esquivel ran [redacted] date of birth.

Regarding the July 2002 incident, Esquivel did not document this stop in any of his paperwork, nor did he make any statement regarding this incident. This leaves open the possibility of a defense to both the felony sexual battery, which requires an unlawful restraint, and felony false imprisonment, which requires the restraint be fraudulent or deceitful, that [redacted] did something that would justify a detention. As stated above, if the restraint was lawful then the elements required for felony sexual battery and felony false imprisonment are not met.

Further, and considering all possible defenses, a misdemeanor sexual battery against [redacted] cannot be proven beyond a reasonable doubt. [redacted] told investigators that she did not have any form of identification on her. Assuming for the sake of argument that Esquivel had a legal reason to detain [redacted] he would be entitled to search her for identification including the back pockets of her pants. However, it is clear that Deputy Esquivel acted improperly when he pulled the front of [redacted] pants from her stomach and looked down the front of her pants with his flashlight. Even this activity can not be prosecuted due to the above noted considerations.

The third incident, involving [redacted] is the most troubling as the allegations are the most serious, including sexual penetration. The fact that Deputy Esquivel ran [redacted] addresses on October 17, 2002 and that the Deputy involved asked whether she was wearing "G-String" underwear, raise strong suspicions that Esquivel was involved. However, we cannot overcome the fact that [redacted] insists that the Deputy involved was Caucasian with blue eyes, clearly not Deputy Esquivel.

Looking at the July 2002 and January 2002 incidents together it appears that Deputy Esquivel had a method of operation in conducting stops on some females. [redacted] and [redacted] and [redacted] do not know each other. On both occasions, Deputy Esquivel asks whether the women are wearing "thong" or "g-string" underpants. In addition, he pulls clothing away from their bodies in an attempt to see their underpants. During the stop of [redacted] and [redacted] Deputy Esquivel received an MDT message from a fellow Deputy asking, "how they look?" However, based upon the above analysis the only possible charges we are left with would be three misdemeanor batteries, for Deputy Esquivel's fingers touching the women's skin when he pulled their clothing away from their bodies, and those would be barred by the statute of limitations.

Deputy Esquivel's conduct is troubling and highly inappropriate. Under the circumstances, these incidents are best handled administratively where a wider range of allegations can be utilized to address his egregious behavior.

We therefore decline to initiate criminal proceedings against Deputy Arnulfo Esquivel. We are closing our file and will take no further action in this matter.



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

November 15, 2004

Deputy Arnulfo Esquivel, [redacted]

Deputy Esquivel:

On October 13, 2004, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2108778. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, your Division Chief determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on November 12, 2004.

An investigation under File Number IAB 2108778, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/050.05, Performance of Duty, on or about January 27, 2002, while conducting a traffic stop, you threatened to arrest a female driver and impound her vehicle unless she showed you her undergarments. You made the same improper request of her passenger and then illuminated the passenger's pelvic area, commenting that her underwear was pink. You then placed your fingers between the passenger's dress and body, pulling the garment away from her body and looking down her dress. The

passenger subsequently screamed and backed away toward the vehicle. You told her she could leave after providing some personal information for your log.

2. That in violation of Manual of Policy and Procedures Section 3-01/030.05, General Behavior; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Field Operations Directive 00-04- Logging Public Contacts*), on or about July 18, 2002, while conducting a stop of a female pedestrian, you asked the pedestrian if she had illicit narcotics and then inappropriately searched her by placing your hand into the back pockets of her jeans and inappropriately touching her buttocks. You then turned her around, placed your fingers between her body and the front of her pants, pulled the pants away from her body and illuminated her pelvic area. Before releasing her, you threatened to have her deported due to her illegal residency status.

3. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/050.05, Performance of Duty; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Field Operations Directives 00-04- Logging Public Contacts and/or 00-08 - Use of Informants*), on or about October 17, 2002, while conducting a pedestrian stop of a female parolee, you made inappropriate comments and then sexually battered the female by touching her exposed buttocks and then digitally penetrating her vaginal area. Some time later, you drove to this same female's home and demanded that she get into your radio car. You then questioned her as to who she lived with, telling her you wanted to go inside her house. You made repeated demands of her to have sex with you and if she refused, you would arrest her for narcotics violations which would be a violation of her parole. After she refused, you left her residence, after telling her you would return the following morning.

4. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.05, Performance of Duty; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (*specifically as it relates to Field Operations Directive 00-04 - Logging*

Public Contacts), on or about July 27, 2002, after engaging a lone female driver in conversation at a traffic light, you followed the female home, out of your patrol area. You subsequently had a personal conversation with the female driver which lasted approximately 20 minutes.

5. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, you made false and/or misleading statements to Internal Affairs Bureau investigators, when you said the female was your informant; and/or that you went to her house for the purpose of establishing an informant relationship; and/or that you did not inappropriately touch the females.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Larry L. Waldie

LARRY L. WALDIE
ASSISTANT SHERIFF

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

RDC:WJM:KJM:av

c: Advocacy Unit
Neal B. Tyler, Chief, Field Operations Region I
Thomas M. Laing, Captain, East Los Angeles Station
Internal Affairs Bureau
Office of Independent Review (OIR)
Bruce Pollack, Captain, Personnel Administration